

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES—GENERAL

Case No. 8:25-cv-00422-KES

Date: September 3, 2025

Title: MARQUISE BAILEY v. SANTA FE EXPRESS HAND CAR WASH, INC., et al.

PRESENT:

THE HONORABLE KAREN E. SCOTT, U.S. MAGISTRATE JUDGE

Jazmin Dorado
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR
DEFENDANTS:
None Present

PROCEEDINGS (IN CHAMBERS):

**Order to Show Cause Why Defendants
Should Not Be Sanctioned**

I. BACKGROUND

On March 5, 2025, Marquise Bailey (“Plaintiff”) filed a Complaint bringing claims under the Americans with Disabilities Act (“ADA”) against the Santa Fe Express Hand Car Wash, Inc. and Do Joon Lee “as trustee of the Do Joon Lee and Rie Ja Lee Revocable Living Trust” (“the Trust”). (Dkt. 1 at 1-2.) The Trust has answered the Complaint. (Dkt. 14.) The Lees are representing the Trust pro se, based upon the representation that they are its sole beneficial owners. (Dkt. 15, 18); see generally Becker v. Wells Fargo Bank, NA, Inc., No. 10- cv-2799, 2012 WL 6005759, at *4, 2012 U.S. Dist. LEXIS 170729, at *10 (E.D. Cal. Nov. 30, 2012).

On June 23, the Court entered an order setting a telephonic scheduling conference with the Court and the parties for August 22. (Dkt. 20.) The order also stated:

On or before August 1, 2025, the parties shall meet and discuss the issues described below. On or before August 8, 2025, the parties shall file a joint Rule 26(f) Report. The Rule 26(f) Report shall be drafted by Plaintiff (unless the parties agree otherwise), but shall be submitted and signed jointly.

(Id. at 3.) On August 8, Defendant filed a unilateral Rule 26(f) report, which stated:

Plaintiff and Defendant have not completed the conference due to Defendant’s

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lack of availability and responsiveness to Plaintiff's multiple attempts, through different methods, to attempt to get in contact with Defendant. Plaintiff attempted to call Defendant by phone with the phone number (714-236-5107) provided by Defendant in Defendant's pleading. However, no one has picked up Plaintiff's phone call.... On August 1, 2025, Plaintiff also sent out a physical letter containing an urgent plea to reach out to Plaintiff for fulfilling the meet and confer obligation to Defendant's address by USPS regular mail; however, Defendant has not responded by phone, letter, or email as of this date.

(Id. at 2.)

On August 22, the Court held the Scheduling Conference. Plaintiff's counsel appeared by telephone, and Defendants did not appear.

II. LEGAL STANDARDS

The parties in this case are required to follow the Federal Rules of Civil Procedure and the Local Civil Rules of the Central District of California.¹

Federal Rule of Civil Procedure 26(f) requires the parties to meet and prepare a joint report to the Court about scheduling and proposing a discovery plan. Under the Local Civil Rules, the parties must also state which type of Alternative Dispute Resolution ("ADR") procedure they would like to participate in. See Local Rule 26-1(c). Parties in all cases must participate in at least one of three types of ADR:

ADR PROCEDURE NO. 1 - The parties shall appear before the district judge or magistrate judge assigned to the case for such settlement proceedings as the judge may conduct or direct.

ADR PROCEDURE NO. 2 - The parties shall appear before a neutral selected from the Court's Mediation Panel.

ADR PROCEDURE NO. 3 - The parties shall participate in a private dispute resolution proceeding.

See Local Rule 16-15.4.

"If a party or its attorney fails to participate in good faith in developing and submitting a proposed discovery plan as required by Rule 26(f), the court may, after giving an opportunity to be heard, require that party or attorney to pay to any other party the reasonable expenses,

¹ The Federal Rules of Civil Procedure are available at: <https://www.federalrulesofcivilprocedure.org/frcp/>, and the Local Civil Rules are available at: <https://www.cacd.uscourts.gov/court-procedures/local-rules>.

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including attorney's fees, caused by the failure." Fed. R. Civ. P. 37(f).

Additionally, if a defendant fails to comply with any of the Federal Rules of Civil Procedure without a good reason, the Court may also enter a default judgment against the defendant. See Local Rule 83-2.2.4; Jorgensen v. Cassidy, 320 F.3d 906, 912 (9th Cir. 2003) (holding that a default judgment may be entered as a sanction if the party has demonstrated "willfulness, bad faith, or fault"). If a default judgment is entered, this generally means that the defendant is automatically liable for any relief that the plaintiff asked for in the complaint, including monetary damages. In an ADA case like this one, a default judgment could require the defendants to make expensive changes to their property and pay the plaintiff's attorney's fees.

III. CONCLUSION

IT IS HEREBY ORDERED that, on or before **October 3, 2025**, Mr. and Mrs. Lee shall file a status report that:

- (a) Explains why they failed to call in to the Scheduling Conference and respond to Plaintiff's counsel's phone calls and letters about the required Rule 26(f) report;
- (b) States which of the three ADR procedures discussed above they would prefer to participate in; and
- (c) States an email address where the Court and defense counsel can contact them (if they have access to an email address).

If Mr. and Mrs. Lee fail to respond to this order, or if their response fails to adequately explain why they violated the rules, the Court may enter sanctions against them, including monetary damages and/or a default judgment against their trust.

The final page of this order lists the contact information for the Court's pro se clinics, where Mr. and Mrs. Lee can find free attorneys to assist them in understanding and following the requirements of this order.

The Orange County Bar Association also has Lawyer Referral and Information Service to assist parties in finding paid attorneys. More information is available by calling (949) 440-6747 or (877) 257-4762, or by visiting: <http://Irisoc.org/>.

Initials of Deputy Clerk jd

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Free Legal Help for People without an Attorney		
<p style="text-align:center"><u>Los Angeles</u></p> <p style="text-align:center"><i>Location:</i> Edward Roybal R. Federal Building and Courthouse 255 East Temple Street Suite 170 (Terrace Level) Los Angeles, CA 90012</p> <p style="text-align:center"><i>Hours by appointment only:</i> Monday, Wednesday, and Friday 9:30 am-12:00 pm and 2:00-4:00 pm</p> <p style="text-align:center">To make an appointment or for more information, contact Public Counsel at: (213) 385-2977, Ext. 270</p>	<p style="text-align:center"><u>Santa Ana</u></p> <p style="text-align:center"><i>Location:</i> Ronald Reagan Federal Building and Courthouse 411 W. 4th Street Room 1055 (1st Floor) Santa Ana, CA 92701</p> <p style="text-align:center"><i>Hours:</i> Tuesday 1-4 p.m. (virtual by phone or Zoom) Thursday 10 a.m.-12 p.m. and 1:30- 3:30 p.m. (in person at the courthouse)</p> <p style="text-align:center">For more information, contact Public Law Center at: (714) 541-1010, Ext. 222</p>	<p style="text-align:center"><u>Riverside</u></p> <p style="text-align:center"><i>Location:</i> George E. Brown Federal Building 3420 Twelfth Street Room 125 Riverside, CA 92501</p> <p style="text-align:center"><i>Hours:</i> Tuesday and Thursday 9 a.m.-3 p.m.</p> <p style="text-align:center">For more information, contact Public Service Law Corporation at: (951) 682-7968</p>
<p style="text-align:center">Visit the Court’s website for further information: http://prose.cacd.uscourts.gov/federal-pro-se-clinics</p>		